

# **EXHIBIT D**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/797,488	03/01/2001	Richard Frankland	104632-991101	4851

36716 7590 02/28/2007  
 LADAS & PARRY  
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 LOS ANGELES, CA 90036-5679

EXAMINER
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CHEUNG, MARY DA ZHI WANG

ART UNIT	PAPER NUMBER
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3694

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary****Application No.**

09/797,488

**Applicant(s)**

FRANKLAND ET AL.

**Examiner**

Mary Cheung

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,4-9,11-24,26-31,33-46,48-52 and 54-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,4-9,11-24,26-31,33-46,48-52 and 54-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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## **DETAILED ACTION**

### ***Status of the Claims***

1. This action is in response to the response filed on November 22, 2006. Claims 2, 4-9, 11-24, 26-31, 33-46, 48-52 and 54-66 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed November 22, 2006 have been fully considered but they are not persuasive.

In response to the applicant's arguments that Eager (US 5,960,200) fails to teach the first layer containing information about the unique aspects of particular application, Eager teaches a business process layer that corresponds to the first layer as claimed by the applicant (column 10 lines 33-41 and Fig. 1), and the business layer provides initial application menu or screen and initial objects to the interface engine (column 10 lines 38-41), in which the initial application menu or screen and initial objects correspond to the information contained in the first layer. Although Eager does not explicitly disclose how long the information is contained in the business layer, the information could either be stored in the business layer in short period of time or in a long period of time; and in either case, Eager's teaching reads on the claimed language.

In response to the applicant's arguments that Eager fails to teach the second layer contains information about the user interface and functions common to a variety of applications, Eager teaches a functionality layer that corresponds to the second layer (column 12 lines 12-42 and Figs. 1, 8), and the information contained by the second layer is taught by Eager as the result information is generated by the functionality layer



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and later is transferred to the business layer or the state router (column 12 lines 18-21). Although Eager does not explicitly disclose how long the result information is contained in the functionality layer, the result information could either be stored in the functionality layer in short period of time or in a long period of time; and in either case, Eager's teaching reads on the claimed language.

The applicant further argues that none of the data is generated in the second layer as addressed in claim 5. Examiner believes that such concept is not clearly stated in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2, 4-9, 11-24, 26-31, 33-46, 48-52 and 54-66 are rejected under 35

U.S.C. 102(e) as being anticipated by Eager et al., U. S. Patent 5,960,200.

As to claims 2 and 22-23, Eager teaches a system for providing a dynamic generated application having one or more functions and one or more user interface elements, comprising (abstract and Figs. 4, 7):

a) A server computer (Fig. 7);

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- b) One or more client computers connected to the server computer over a computer network (Fig. 7);
- c) A first layer associated with the server computer containing information about the unique aspects of a particular application (column 10 lines 33-41 and Fig. 1; *specifically, "first layer" corresponds to the business process layer in Eager's teaching*);
- d) a second layer associated with the server computer containing information about the user interface and functions common to a variety of applications, a particular application being generated based on the data in both the first and second layers (column 12 lines 12-42 and Figs. 1, 8; *specifically, "second layer" corresponds to the functionality layer in Eager's teaching*);
- e) a third layer associated with the server computer that retrieves the data in the first and second layers in order to generate the functionality and user interface elements of the application (column 12 lines 38-43 and Figs. 1, 8; *specifically, "third layer" corresponds to the presentation layer in Eager's teaching*);
- f) a change management layer for automatically detecting changes that affect an application (column 2 lines 34-57 and column 4 lines 42-51 and Figs. 1, 16-17, 24; *specifically, "change management layer" corresponds to re-architecting system in Eager's teaching*).
- g) Each client computer further comprising a browser application being executed by each client computer, wherein a user interface and functionality for the particular application is distributed to the browser application and dynamically

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generated when the client computer connects to the server computer (column 10 line 33 – column 11 line 57 and column 12 lines 12-42 and Figs. 1, 4, 8).

As to claim 4, Eager teaches the third layer further comprises a Java data management layer having means for distributing one or more Java applets to the client computer wherein the Java applets dynamically generate and present the user interface and functionality to the user based on the first and the second layers (column 8 lines 3-22 and column 10 lines 7-26 and Fig. 1).

As to claims 5-8, Eager teaches the second layer comprises a business content database having data about one or more different predetermined business applications (column 12 lines 12-42 and Figs. 1, 8, 11, 30).

As to claim 9, Eager teaches each client computer further comprises a Java enabled web browser to permit remote user access (column 8 lines 3-22 and column 10 lines 7-26 and Figs. 1, 7).

As to claims 11-12, Eager teaches the server computer further comprises the change management layer further comprises one or more intelligent agents that detects changes that affect an application (column 2 lines 34-57 and column 4 lines 42-51 and Figs. 1, 16-17, 24).

As to claims 13-21, Eager teaches a builder module for permitting a user to build a user interface for a particular application using the second layer (see facilitation tools 360 in Figs. 1 and 33).

As to claims 24, 26-31, 33-46, 48-52 and 54-66, the limitations are parallel with claims 2, 4-9 and 11-23; thus, they are rejected on same basis.



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### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should



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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(571) 273-8300      (Official Communications; including After Final  
Communications labeled "BOX AF")  
(571) 273-6705      (Draft Communications)

Mary Cheung  
February 16, 2007



**MARY D. CHEUNG**  
**PRIMARY EXAMINER**